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## United States Department of Agriculture

BUREAU OF PLANT INDUSTRY

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U. S. Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS NO. 19

## PROSECUTIONS UNDER THE INTERSTATE-CLAUSE-----

## (SEC. 6) OF THE FEDERAL SEED ACT

(July 1, 1933, to June 30, 1934; 15-39)

**15. Misbranding of rye seed, U. S. v. L. P. Cook. Plea of nolo contendere. Fine, \$50. (F. S. 47.)**

Kind and amount of seed: Rye, six bags (15 bushels).

Shipped by L. P. Cook, Memphis, Tenn., October 15, 1931.

From Memphis, Tenn., to Birmingham, Ala.

Action taken: On June 13, 1933, information was filed in the United States District Court for the Western District of Tennessee alleging that L. P. Cook unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act in that it was labeled in part "Germination approximately 91", whereas, the seed germinated "not more than 59.75 percent".

Disposition: On October 7, 1933, the case was terminated upon a plea of nolo contendere and the assessment of a fine of \$50.

**16. Misbranding of red clover seed. U. S. v. Market Gardeners' Seed Co. Plea of guilty. Fine, \$200. (F. S. 50.)**

Kind and amount of seed: Red clover, two bags (335 pounds).

Shipped by Market Gardeners' Seed Co., Cincinnati, Ohio, February 9, 1932.

From Cincinnati, Ohio, to Versailles, Ind.

Action taken: Information was filed in the United States District Court for the Southern District of Ohio alleging that the Market Gardeners' Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act in that it was labeled in part "Minimum Pure seed 94.2—4.8 crop—99.0% Min. Germination—90%", whereas the seed "did consist of pure cloverseed in a proportion less than 94.2%" and germinated "not more than 72.25%". The seed was found to be 90.08 percent pure seed and to contain 3.46 percent of weed seeds.

Disposition: On June 13, 1932, the defendant entered a plea of guilty and was fined \$200.

**17. Misbranding of sweetclover seed. U. S. v. Berry Seed Co. Plea of guilty. (F. S. 51.)**

Kind and amount of seed: Sweetclover, one bag (90 pounds).

Shipped by Berry Seed Co., Clarinda, Iowa, March 9, 1932.

From Chicago, Ill., to New Albany, Ind.

Action taken: Information was filed in the United States District Court for the Northern District of Illinois alleging that the Berry Seed Co., a corporation having a place of business in Clarinda, Iowa, and also in Chicago, Ill., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act in that it was labeled in part "Germ. 92%", whereas the seed germinated "not more than 44.25%".

Disposition: On December 13, 1933, the manager of the American Field Seed Co., Chicago, Ill., (reported to be a subsidiary of the Berry Seed Co.)

entered a plea of guilty. The case was then combined with three others against the same defendant, and a fine of \$200 was imposed. (See nos. 18, 19, and 29.)

**18. Misbranding of sweetclover seed. U. S. v. Berry Seed Co. Plea of guilty. (F. S. 52.)**

Kind and amount of seed: Sweetclover, one bag (60 pounds).

Shipped by Berry Seed Co., Clarinda, Iowa, February 16, 1932.

From Chicago, Ill., to Solsberry, Ind.

Action taken: Information was filed in the United States District Court for the Northern District of Illinois alleging that the Berry Seed Co., a corporation having a place of business in Clarinda, Iowa, and also in Chicago, Ill., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act in that it was labeled in part "Germ. 92%" whereas the seed germinated "not more than 44.5 percent".

Disposition: On December 13, 1933, the manager of the American Field Seed Co., Chicago, Ill., (reported to be a subsidiary of the Berry Seed Co.) entered a plea of guilty. The case was then combined with three others against the same defendant, and a fine of \$200 was imposed. (See nos. 17, 19, and 29.)

**19. Misbranding of alfalfa seed. U. S. v. Berry Seed Co. Plea of guilty. (F. S. 53.)**

Kind and amount of seed: Alfalfa, two bags (4 bushels).

Shipped by Berry Seed Co., Clarinda, Iowa, April 21, 1932.

From Chicago, Ill., to MacDougall, N. Y.

Action taken: Information was filed in the United States District Court for the Northern District of Illinois alleging that the Berry Seed Co., a corporation having a place of business in Clarinda, Iowa, and also in Chicago, Ill., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act, in that it was labeled in part "Germ. 89%" whereas it germinated "33.75% with hard seed an additional 10.25%".

Disposition: On December 13, 1933, the manager of the American Field Seed Co., Chicago, Ill., (reported to be a subsidiary of the Berry Seed Co.) entered a plea of guilty. The case was then combined with three others against the same defendant, and a fine of \$200 was imposed. (See nos. 17, 18, and 29.)

**20. Misbranding of seed corn. U. S. v. 7 bags of seed corn. Seed seized and ordered destroyed. (F. S. 66.)**

Kind and amount of seed: Corn, eight bags (16 bushels).

Shipped by Council Bluffs Seed Co., Council Bluffs, Iowa, January 23, 1933.

From Council Bluffs, Iowa, into the State of Alabama.

Action taken: On April 8, 1933, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of seven bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Germination 94 percent". The seed was found to germinate 31.5 percent. The seed was seized by the United States marshal.

Disposition: On July 8, 1933, no claimant having appeared, the seed was ordered destroyed.

**21. Misbranding of sorghum seed. U. S. v. 17 bags sorghum seed. Seed seized and ordered destroyed. (F. S. 68.)**

Kind and amount of seed: Sorghum, 23 bags (69 bushels).

Shipped by Mitchellhill Seed Co., St. Joseph, Mo., February 10, 1933.

From St. Joseph, Mo., to Montgomery, Ala., thence to Selma, Ala.

Action taken: On June 2, 1933, a libel was filed in the United States District Court for the Southern District of Alabama praying seizure of 9 bags of "Red Top", 3 bags of "Orange", and 5 bags of "Texas Seeded Ribbon" from the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that the bags were labeled in part "Apprx. Germ. 83.00", "Apprx. Germ. 81.00", and "Approximate Germination 80 per cent", respectively, whereas the seed germinated not more than "48.5%, 48%, and 28.5%", respectively. The seed was seized by the United States marshal.



Disposition: On January 9, 1934, no claimant having appeared, the seed was ordered destroyed.

**22. Misbranding of sorghum seed. U. S. v. 100 bags sorghum seed. Seed seized and released under bond. (F. S. 69.)**

Kind and amount of seed: Sorghum, 191 bags (573 bushels).

Shipped by Mitchelhill Seed Co., St. Joseph, Mo., March 13, 1933.

From St. Joseph, Mo., to Montgomery, Ala.

Action taken: On May 31, 1933, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 63 bags of "Amber", 17 bags of "Red Top", and 20 bags of "Orange" from the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that the bags were labeled in part "Apprx. Germ. 84", "Approximate Germination 85 percent", and "Approximate Germination 82 percent", respectively, whereas the seed germinated "not more than 37.5%, 53.75%, and 48.75%", respectively. The seed was seized by the United States marshal.

Disposition: On October 11, 1933, the seed was ordered released to claimant under \$200 bond conditioned that the seed be denatured as by grinding to prevent its use for seeding purposes, and be relabeled as chicken feed.

**23. Misbranding of sorghum seed. U. S. v. 69 bags sorghum seed. Seed seized and released under bond. (F. S. 70, 71, 72.)**

Kind and amount of seed: Sorghum, 210 bags (630 bushels).

Shipped by Mitchelhill Seed Co., St. Joseph, Mo., February 10, 1933.

From St. Joseph, Mo., to Montgomery, Ala.

Action taken: On June 2, 1933, libels were filed in the United States District Court for the Middle District of Alabama praying seizure of 29 bags of "Amber", 26 bags of "Orange", and 14 bags of "Red Top" from the above-mentioned shipment, then in possession of three dealers in Montgomery, Ala., alleging same to be misbranded in violation of the Federal Seed Act in that the bags were labeled in part "Apprx. Germ. 82.00", "Apprx. Germ. 81.00" and "Approx. Germ. 83.00", respectively, whereas the seed germinated "not more than 36%, 50%, and 57%", respectively. The seed was seized by the United States marshal.

Disposition: On October 11, 1933, the seed was ordered released to claimant under bonds totaling \$600, conditioned that the seed be denatured as by grinding to prevent its use for seeding purposes and be relabeled as chicken feed.

**24. Misbranding of sorghum seed. U. S. v. 99 bags sorghum seed. Seed seized and released under bond. (F. S. 73 and 74.)**

Kind and amount of seed: Sorghum, 200 bags (600 bushels).

Shipped by Mitchelhill Seed Co., St. Joseph, Mo., March 30, 1933.

From St. Joseph, Mo., to Opelika, Ala.

Action taken: On June 16, 1933, libels were filed in the United States District Court for the Middle District of Alabama praying seizure of 93 bags of "Orange" and 6 bags of "Amber" from the above-mentioned shipment then in possession of two dealers in Opelika, Ala., alleging same to be misbranded in violation of the Federal Seed Act in that the bags were labeled in part "Apprx. Germ. 82" and "Apprx. Germ. 81" respectively, whereas the seed germinated "not more than 30% and 33.5%", respectively. The seed was seized by the United States marshal.

Disposition: The seed was ordered released to claimants under bond conditioned that the seed be relabeled as chicken feed. Final decrees were entered June 28, 1933.

**25. Misbranding of sorghum seed. U. S. v. 166 bags of sorghum seed. Seed seized and ordered destroyed or ground for feed. (F. S. 75, 76, 77, 78, 79, 80.)**

Kind and amount of seed: Sorghum, approximately 170 bags (510 bushels).

Shipped by Mitchelhill Seed Co., St. Joseph, Mo., March 16, 1933.

From St. Joseph, Mo., to Birmingham, Ala.

Action taken: On June 22 and June 23, 1933, libels were filed in the United States District Court for the Northern District of Alabama praying seizure of 59 bags of "Orange", 49 bags of "Amber", and 58 bags of "Red Top" from the above-mentioned shipment, then in possession of six dealers in

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Birmingham and Bessemer, Ala. The libels alleged the seed to be misbranded in violation of the Federal Seed Act in that the bags were labeled in part "Germ. 84", "Apprx. Germ. 84", and "Apprx. Germ. 81", respectively, whereas the seed germinated "not more than 53.4%, 19.2%, and 36%", respectively. The seed was seized by the United States marshal.

Disposition: On December 13, 1933, no claimant having appeared, the seed was ordered to be either destroyed or turned over to a charitable institution for grinding and use for feed purposes.

**26. Misbranding of sorghum seed. U. S. v. 20 bags of sorghum seed. Seed seized and ordered destroyed. (F. S. 81.)**

Kind and amount of seed: Sorghum, 70 bags (140 bushels).

Shipped by Mitchelhill Seed Co., St. Joseph, Mo., March 24, 1933.

From St. Joseph, Mo., to Estelle, Ala.

Action taken: On or about June 23, 1933, a libel was filed in the United States District Court for the Southern District of Alabama praying seizure of 20 bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Apprx. Germ. 85" whereas the seed germinated "not more than 53.75%." The seed was seized by the United States marshal.

Disposition: On January 9, 1934, no claimant having appeared, the seed was ordered destroyed.

**27. Misbranding of sorghum seed. U. S. v. 28 bags of sorghum seed. Seed seized and released under bond. (F. S. 82.)**

Kind and amount of seed: Sorghum, 200 bags (600 bushels).

Shipped by Mitchelhill Seed Co., St. Joseph, Mo., April 20, 1933.

From St. Joseph, Mo., to Nashville, Tenn.

Action taken: On June 22, 1933, a libel was filed in the United States District Court for the Middle District of Tennessee praying seizure of 28 bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Apprx. Germ. 82.00" whereas the seed germinated "not more than 36.5%". The seed was seized by the United States marshal.

Disposition: On December 19, 1933, an order was entered releasing the seed under \$100 bond conditioned that the seed be not disposed of contrary to the laws of the United States.

**28. Misbranding of lespedeza seed. U. S. v. 3 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 84.)**

Kind and amount of seed: Lespedeza, three bags (337½ pounds).

Shipped by Springfield Seed Co., Springfield, Mo., February 11, 1933.

From Springfield, Mo., to Yates Center, Kans.

Action taken: On June 21, 1933, a libel was filed in the United States District Court for the District of Kansas praying seizure of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Noxious weed in excess of 1 seed to 5 grams—none" whereas the seed contained "12 noxious seeds, to-wit; Dodder seeds, to 5 grams". Two bags of the seed were seized by the United States marshal.

Disposition: On August 21, 1933, no claimant having appeared, the seed was ordered destroyed.

**29. Misbranding of sweetclover seed. U. S. v. Berry Seed Co. Plea of guilty. (F. S. 88.)**

Kind and amount of seed: White sweetclover, two bags (240 pounds).

Shipped by Berry Seed Co., Clarinda, Iowa, March 13, 1933.

From Chicago, Ill., to Thorntown, Ind.

Action taken: On August 25, 1933, information was filed with the United States District Court for the Northern District of Illinois alleging that the Berry Seed Co., a corporation with a place of business in Clarinda, Iowa, and also in Chicago, Ill., did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed misbranded in violation of the Federal Seed Act in that it was labeled in part "Purity 97.5%, Germ. 88%", whereas the seed had a purity of "less than 97.5%" and germinated "much less than 88%".



Disposition: On December 13, 1933, the manager of the American Field Seed Co., Chicago, Ill., (reported to be a subsidiary of the Berry Seed Co.) entered a plea of guilty. The case was then combined with three others against the same defendant, and a fine of \$200 was imposed. (See nos. 17, 18, and 19.)

**30. Misbranding of sorghum seed. U. S. v. Mitchellhill Seed Co. Plea of guilty. Fine, \$200. (F. S. 89.)**

Kind and amount of seed. Sorghum, 248 bags (744 bushels).

Shipped by Mitchellhill Seed Co., St. Joseph, Mo., February 10, 1933.

From St. Joseph, Mo., to Montgomery, Ala.

Action taken: On November 25, 1933, information was filed in the United States District Court for the Western District of Missouri alleging that the Mitchellhill Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act in that the five varieties included in the shipment were labeled in part "Apprx. Germ. 82.00", "Approx. Germ. 81.00", "Approx. Germ. 83.00", "Approximate Germination 80 percent", and "Approximate Germination 80 percent", respectively, whereas the seed germinated not more than 39 percent, 50 percent, 57 percent, 30.5 percent, and 35.5 percent, respectively.

Disposition: On January 3, 1934, the defendant entered a plea of guilty and was fined \$200.

**31. Misbranding of rye seed. U. S. v. 43 bags of rye seed. Seed seized and released under bond. (F. S. 90.)**

Kind and amount of seed: Rye, 100 bags (250 bushels).

Shipped by L. P. Cook, Memphis, Tenn., October 5, 1933.

From Memphis, Tenn., to Montgomery, Ala.

Action taken: On January 9, 1934, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 43 bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Germination—Approximately 82", whereas the seed germinated 36 percent. The seed was seized by the United States marshal.

Disposition: On January 23, 1934, the seed was released to claimant under \$250 bond providing that the seed be ground to prevent its use for seed purposes, and that it be relabeled as chicken feed.

**32. Misbranding of oat seed. U. S. v. 28 bags of oat seed. Seed seized and ordered destroyed. (F. S. 91.)**

Kind and amount of seed: Oats, 150 bags (750 bushels).

Shipped by McGregor Milling and Grain Co., McGregor, Tex., August 9, 1933.

From McGregor, Tex., to Tuscaloosa, Ala.

Action taken: On February 20, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 28 bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Name and number of noxious weeds per lb. pure seed, Johnson grass—not exceeding sixteen", whereas the seed contained 954 Johnson grass seeds per pound. The seed was seized by the United States marshal.

Disposition: On March 24, 1934, no claimant having appeared, the seed was ordered destroyed.

**33. Misbranding of oat seed. U. S. v. 148 bags of oat seed. Seed seized and released under bond. (F. S. 92.)**

Kind and amount of seed: Oats, 250 bags (1,250 bushels).

Shipped by Clement Grain Co., Waco, Tex., November 3, 1933.

From Waco, Tex., to Montgomery, Ala.

Action taken: On January 29, 1934, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 148 bags of the above shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Noxious weed seeds in excess of one seed to 100 grams, none". The seed was found to contain seven noxious weed seeds (Johnson grass) per 100 grams. The seed was seized by the United States marshal.

Disposition: On February 15, 1935, the seed was released to claimant, Central Farm Products Co., of Waco, Tex., under \$200 bond, conditioned that the seed

be relabeled to comply with the actual contents of the bags and show the true contents as to Johnson grass seed, and that claimant sell the seed so relabeled only in compliance with the Federal Seed Act.

**34. Misbranding of lespedeza seed. U. S. v. 10 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 95.)**

Kind and amount of seed: Lespedeza, 10 bags (1,000 pounds).

Shipped by Lauderdale County Pure Seed Shippers, Halls, Tenn., February 5, 1934.

From Memphis, Tenn., to Hot Springs, Ark.

Action taken: On March 7, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Purity 98%, Weed seeds --%, Inert matter 2%, 6 dodder per ounce", whereas the seed had a purity of 92.52 percent and contained 4.78 percent of weed seed including 647 dodder seeds per ounce. The seed was seized by the United States marshal.

Disposition: On June 14, 1934, no claimant having appeared, the seed was ordered destroyed.

**35. Misbranding of Sudan grass and sorghum seed. U. S. v. 75 bags of Sudan grass seed and 20 bags of sorghum seed. Seed seized and released under bond. (F. S. 96.)**

Kind and amount of seed: Sudan grass, 90 bags (180 bushels), sorghum, 20 bags (60 bushels).

Shipped by Russell-Heckle Seed Co., Memphis, Tenn., February 12, 1934.

From Memphis, Tenn., to Little Rock, Ark.

Action taken: On March 17, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of 75 bags of Sudan grass seed, 10 bags of "S.R." sorghum seed, and 10 bags of "H." sorghum seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act in that the Sudan grass seed was labeled in part "Germination 85%", and the sorghum seed was labeled in part "Germination 80%", whereas the seed was found to germinate 67 percent, 56 percent, and 58 percent, respectively. The labels bore statements indicating the seed was tested in January 1934, and the official samples taken from the shipment were tested in February 1934. The seed was seized by the United States marshal.

Disposition: On April 12, 1934, the seed was released to claimant, the Russell-Heckle Seed Co., under \$500 bond, conditioned that the seed be disposed of under supervision of the U. S. Department of Agriculture.

**36. Misbranding of lespedeza seed. U. S. v. 6 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 98.)**

Kind and amount of seed: Lespedeza, 20 bags (2,000 pounds).

Shipped by Lauderdale County Pure Seed Shippers, Halls, Tenn., February 20, 1934.

From Memphis, Tenn., to Little Rock, Ark.

Action taken: On March 20, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of six bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Purity Standard --%, Weed seeds --%, Inert Matter --%, Noxious weed seeds in excess of one seed to --grams --%," whereas the seed contained "Weed seed 2.44%, Noxious weed seeds in 5 grams—28 dodder, 22 buckhorn, 24 bracted plantain, and 1 dock". The seed was seized by the United States marshal.

Disposition: On June 14, 1934, no claimant having appeared, the seed was ordered destroyed.

**37. Misbranding of hairy vetch. U. S. v. 55 bags of hairy vetch seed. Seed seized and ordered destroyed. (F. S. 103.)**

Kind and amount of seed: Hairy vetch, 137 bags (500 bushels).

Shipped by Seaboard Seed Co., Philadelphia, Pa., for the Rowland Co., Athens, Ga., August 16, 1933.

From Philadelphia, Pa., to Albertville, Ala.

Action taken: On April 20, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 55 bags of the



above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Germination 82% Incl. hard seeds, Noxious W. None", whereas the seed germinated "43% with 5.25% of hard seed" and contained noxious weed seeds (corn cockle) at the rate of "252 per pound". The seed was seized by the United States marshal.

Disposition: On June 16, 1934, no claimant having appeared, the seed was ordered destroyed.

**38. Misbranding of rye seed. U. S. v. 3¾ bushels of rye seed. Seed seized and ordered destroyed. (F. S. 108.)**

Kind and amount of seed: Rye, six bags (15 bushels).

Shipped by L. P. Cook, Memphis, Tenn., August 23, 1933.

From Memphis, Tenn., to Parrish, Ala.

Action taken: On April 30, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 3¾ bushels of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled in part "Germination approximately 82, Purity non varietal (approximately) 97, Weed, .01%, Noxious weed seed, .00%", whereas the seed germinated 0.5 percent, had a purity of 92.54 percent, contained 1.44 percent of weed seed, and contained noxious weed seeds (quack-grass) at the rate of 144 per pound. The seed was seized by the United States marshal.

Disposition: On May 31, 1934, no claimant having appeared, the seed was ordered destroyed.

**39. Misbranding of lespedeza seed. U. S. v. 3 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 109.)**

Kind and amount of seed: Lespedeza, four bags (500 pounds).

Shipped by W. A. Sanders, Hopkinsville, Ky., March 22, 1934.

From Memphis, Tenn., to Marianna, Ark.

Action taken: On May 1, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of three bags of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act in that the invoice letter stated in part "Noxious weeds none" whereas the seed contained "6 dodder seed, 22 bracted plantain seed, and 2 buckhorn seed per 5 grams". The seed was seized by the United States marshal.

Disposition: On June 14, 1934, no claimant having appeared, the seed was ordered destroyed.

